

Notice of Allowability

Application No.

10/756,880

Examiner

Guy J. Lamarre

Applicant(s)

OREN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/31/07.
2. ☒ The allowed claim(s) is/are 1-15, 18-44, 47-70, 73, now renumbered 1-67.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 10/15/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



Guy J. Lamarre, P.E.
Primary Examiner

Examiner's Amendment & Reasons For Allowance

Examiner's Amendment

* An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The following has been amended: Withdrawn **Claims 16-17, 45-46, 71-72** are cancelled without prejudice.

Reasons For Allowance

1. **Claim 73** is added, thus **Claims 1-15, 18-44, 47-70, 73** remain pending.
2. **Claims 1-15, 18-44, 47-70, 73** are allowable over the prior art.
- 2.1 The following is an Examiner's statement of reasons for the indication of allowable subject matter: the prior art is exemplified by (US Patent No. 7,016,329) to **Padovani et al.**.

Padovani et al. discloses a data processing algorithm comprising concatenating data and error detection code into data packets wherein *' data transmitted from a cellular telephone subscriber unit is received by a set of base transceiver stations. Each base transceiver station performs various error detection procedures on segments of the data referred to as frames. These error detection procedures may include CRC check sum verification, Yamamoto metric calculation, re-encoded signal error rate calculation, or a combination thereof. The results of these error detection procedures are placed into a frame quality metric. The frame, frame quality metric, a time stamp and an address are placed into a packet that is transmitted from each base transceiver station to a base station controller which matches packets attempting to transmit the same information using the time stamp and selects one frame for further processing based on the associated frame quality metric...*

In general, if a particular frame was transmitted with CRC data, the success indication information will

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take the form of a CRC success indication bit. If the frame was transmitted without CRC data, the success indication information will take the form of a Yamamoto success bit.

The calculation of a CRC success indication bit and a Yamamoto success bit on the same data may also be performed, although such calculation is generally not preferred as the CRC success indication bit is much more likely to be accurate. Additionally, a re-encoded signal error rate (SER) is calculated for frames of every rate by re-encoding the decoded data and comparing the results with the data originally received.' See e.g., Padovani et al. at col. 2 line 60 et seq.

However, Padovani et al. does not teach or suggest the combination of claim elements with the specific concatenating described therein.

2.2 Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

* Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (571) 273-8300 for all formal communications.

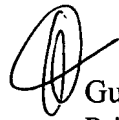
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guy J. Lamarre, P.E., whose telephone number is (571) 272-3826. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques, can be reached at (571) 272-6962.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3609.

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Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Guy J. Lamarre, P.E
Primary Examiner
